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TAGS: [KDEM](#) [KMPI](#) [KPAL](#) [KWMN](#) [PREL](#) [PGOV](#) [PHUM](#) [JO](#)
SUBJECT: JORDAN: A/S POSNER'S FOCUS ON DEMOCRATIC AND HUMAN
RIGHTS REFORM, PART 2

REF: A. AMMAN 326
[B](#). AMMAN 283
[C](#). AMMAN 220

Classified By: Ambassador R. Stephen Beecroft for reasons 1.4 (b) and (d).

[1](#). (C) Summary: Michael Posner, Assistant Secretary for Democracy, Human Rights, and Labor (DRL), pressed the Jordanian government during his January 10-11 visit to move forward on the implementation of a number of high-priority political and human rights reforms. This cable describes A/S Posner's side-meetings with government officials during his Amman visit. Meetings with non-governmental contacts were reported reftel (ref A) and details from the Political Reform Dialogue will be reported septel. Additionally, S/P Director Anne-Marie Slaughter joined A/S Posner for a dinner with Jordanian women's rights activists (ref C).

[2](#). (C) During A/S Posner's individual program, he met with Minister of Labor Ibrahim Omoush, Minister of Justice Ayman Odeh, Ministry of Interior Secretary General Abu Jammous, Jordan Press Association President Abdel Wahab Zgheilat, Freedom House Country Director Lama Khreis, Christian religious leaders, and freedom of expression activists. With his interlocutors, A/S Posner specifically focused on the need to address problems in Jordan's troubled democratic and human rights record, particularly the existing flawed electoral law, the status of women's rights, and limits to freedom of expression. He also expressed an interest in Jordanian efforts to combat forced labor, codify legal rights for foreign workers, improve prison conditions, investigate and prosecute police abuse, end administrative detention, and promote judicial reform. End summary.

Electoral Law Reform and Elections

[3](#). (C) A primary theme throughout the visit was amendments to the existing electoral law and preparations to ensure a free, fair, and transparent parliamentary election. A/S Posner pressed for the government to address the under-representation of urban areas in the current electoral system and stressed that such electoral inequalities only lead to disenfranchised, discontented citizens and could lead to an unstable domestic environment which would hinder economic, social, and political progress. Government interlocutors did not provide any details of which amendments are under consideration and also failed to specifically outline plans for election preparation. They also did not comment upon the list of recommendations for electoral law reform the National Center for Human Rights created with input from a number of civil society organizations. Justice Minister Odeh and Interior officials only stated that an inter-ministerial committee chaired by the Prime Minister had been formed with a mandate to reform the electoral system. Related to this issue, interlocutors also generally touched upon decentralization proposals to give citizens a greater voice in identifying community priorities and needs.

14. (C) A range of women's rights issues were also discussed throughout the visit. A/S Posner specifically pressed for greater action to combat gender-based violence, including honor crimes. Justice Minister Odeh briefly discussed the recently formed honor crimes tribunal and attempts to stop the use of two penal code articles commonly used to hand down lenient sentences. The first, the "fit of fury" Article 98, can be used to grant sentences as low as six months. The second, Article 99, allows judges to reduce the punishment in half if the victim's family drops charges, even if the victim and perpetrator are from the same family. The tribunal has not used either provision in the first three cases brought before it and has given the longest punishment possible (15 years) in the last two cases. Odeh admitted that legislative changes are required and stated that such changes are currently in the draft penal code reform package.

Odeh believed the government will approve this package as a temporary law, as this action is permissible now that the King has dissolved parliament. (Note: In theory, the new parliament must review and vote on the temporary legislation; though, in practice, this type of review has not been done by parliament. End Note.) According to Odeh, if the temporary law is passed, judges would no longer be able to use the above two articles just because "honor" is used as a justification for murder. Judges would only be permitted to apply leniency if the alleged victim is seen "in the act" of performing the infidelity. This must be observed not only by husbands, but also by four other witnesses. It will be extremely difficult to meet this criteria and Odeh believes

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lenient sentences will no longer be possible.

Freedom of Expression

15. (C) Restrictions on the freedoms of media and expression were raised with both governmental and non-governmental contacts. A/S Posner highlighted specific restrictions with Justice Minister Odeh, including the threat of high fines, up to 20,000 USD, under the Press and Publications Law and the threat of imprisonment under the penal code, and the fact that over 90 percent of local journalists state they continue to practice self-censorship. A/S Posner asked Odeh to consider eliminating these restrictions as part of the government's overall efforts to reform the penal code via a temporary law. Odeh appeared to be surprised by claims the penal code had been used to threaten and prosecute journalists and asked for a listing of the penal code articles of particular concern. Post will follow-up with Odeh and discuss such articles in detail.

Labor Law Reform

16. (C) A/S Posner's visit presented another opportunity to press the government on the need to move forward with intelligent and targeted labor law reform. Labor law reform has been on the government's agenda for the past two years, but has stalled due to competing priorities and a slow-moving, inefficient parliament. As mentioned earlier, in the absence of parliament, the government has the power to pass these reforms through using a temporary law. A/S Posner also raised concerns with the new Minister of Labor, Ibrahim Omoush, regarding the current draft package and stressed the need to ensure that amendments meet international standards. A priority item for the U.S. is the elimination of strict eligibility requirements foreign workers must meet to join a union - 5 years of legal work in-country and reciprocal legislation in their source country. Omoush stated that he has not yet reviewed the amendments or the International Labor Organization's critique of the law, but confirmed a review will take place in the Ministry of Labor before it is

moved forward for final governmental approval. Omoush appeared concerned about the 5-year rule for foreign workers and asked his staff about the origin of this requirement. Receiving no answer, Omoush again reiterated his intention to review the amendments and carefully consider both USG and ILO concerns. A/S Posner also stressed the importance for mechanisms to be in place for foreign workers, who are often young women, to file sexual harassment claims.

¶7. (C) For his part, Omoush highlighted a range of past and on-going initiatives to eradicate forced labor in Qualifying Industrial Zones (QIZs) and among foreign domestic workers. In the QIZs, Omoush reviewed efforts to enhance inspection efforts, including the hiring of additional inspectors and improved training programs. He also discussed the adoption of a "Golden List" to reward factories that have achieved a high level of labor compliance and a "Black List" for poor performers. Currently, 30 of the approximately 80 QIZ factories have achieved Golden List status for their clean records and are, therefore, exempt from bank guarantees which are used as a way to ensure that foreign workers abide by the terms of their work contracts and visas. One factory is currently being considered for the Black List, which would result in their inability to hire new foreign workers. The ministry is also considering making factory participation in the ILO-IFC Better Work Jordan project mandatory.

¶8. (C) Omoush stated that the labor cooperation agreement between the U.S. Department of Labor and his Ministry is under review by the new government and he believes it will be ready for signature in the near future. To further inform the new minister, post will also arrange for briefings by USAID and the ILO.

Trafficking-in-Persons

¶9. (C) Justice Minister Odeh, Labor Minister Omoush, and Ministry of Interior officials all highlighted the government's commitment to combating trafficking-in-persons (TIP). The officials trumpeted their new legal framework to combat TIP, which includes the new anti-trafficking law, domestic worker regulations, and recruitment agency regulations. Ministers Omoush and Odeh also spoke about the National TIP Committee and its active sub-committees. One sub-committee is nearing completion of a National Strategy to Combat TIP and another sub-committee is drafting regulations and a plan for a TIP shelter. Minister Omoush and Ministry of Interior officials also spoke of the increased investigation efforts and the formation of a police-labor

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inspector/TIP investigation unit.

¶10. (C) A/S Posner praised Jordan's commitment to fighting TIP and its progress to date, but stressed that the hard work must continue. Though GOJ officials claimed investigations have increased, they were unable to point to any significant increase in prosecutions beyond general assertions that some cases are being considered by the courts. A/S Posner also impressed upon them the need to create a shelter with civil society partners, improve victim services, and increase public awareness. All parties agreed that it is difficult to investigate forced labor allegations by domestic workers as abuse often occurs behind closed doors and in personal households. Though officials continuously expressed their commitment to fight TIP and treat it as a serious crime, troublingly, Omoush stated that "reports of domestic worker abuse are exaggerated" and Interior officials stated that it was not a serious problem in Jordan.

Police Abuse and Prison Reform

¶11. (C) Jordan's troubled record of police abuse, including two recent deaths of citizens at the hands of police

officers, was also raised by A/S Posner, who stressed the need to ensure that such abuse is adequately investigated and prosecuted with appropriate sentences handed down. Interior officials responded that police are "not immune" from punishment and that all allegations of abuse are investigated with appropriate action taken. They further stated that police officers responsible for the two recent deaths are in jail and currently facing murder charges before the police. When pressed on the role of police courts and potential conflict of interest, Interior officials stated police are held to a higher standard and that all police court decisions are reviewed by civil appellate courts. Justice Minister Odeh did not specifically address whether or not police courts tend to be more lenient, but instead confirmed that police courts use the same penal code and that all decisions are reviewed by civilian courts. (Note: Post has actively engaged the government on the role of police courts and has found no indication that these courts will be eliminated in the future. The police, however, are aware that organizations are watching the verdicts of these special courts. End Note)

¶12. (C) Jordanian officials also outlined efforts to combat torture and improve prison conditions, specifically plans to place the entire correctional and rehabilitation system under the Ministry of Justice instead of the Public Security Directorate (PSD). Interior officials boasted the decision and portrayed it as a move forward, but Minister Odeh said that there are no concrete plans in place to accomplish this goal. Odeh thought it would be a 5 to 7 year process and indicated that the Ministry of Justice looking for further guidance and assistance from European Union-funded projects. Interestingly, Odeh also believes the Forensics Department, currently under the Ministry of Health, and the Crime Scene Investigation Unit, currently under the PSD, should also be transferred to the Ministry of Justice to enable an improvement in investigations and prosecutions.

Administrative Detention

¶13. (C) The ability for Jordan's 13 regional governors to administratively detain individuals deemed to be dangerous to the community was raised with Minister of Justice Odeh. Odeh acknowledged the lack of due process resulting from administrative detention, but stated that judicial reform, especially prosecutorial reform, must be the top priority to ensure due process. According to Odeh, prosecutors are holding over 800 people in Jordan's prison system without charge, which is significantly higher than those detained by governors. In fact, Odeh stated governors are sometimes forced to take action due to deficiencies of the judiciary and cited these results in a high-rate of case dismissals, even of repeat offenders. To address these problems, Odeh reiterated the need to at least double the number of prosecutors, develop accumulated experience among prosecutors (i.e. stop the rotation of judges into prosecutorial slots for several years), and later amend the criminal law to give Attorney Generals more authority. These reforms, according to Odeh, should result in lower caseloads, increased efficiency, and higher conviction rates. Consequently, an improved system will lead to a reduction in the number of individuals being held without charge either by prosecutors or governors.

Comment

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¶14. (C) Comment: Throughout the meetings, government officials pledged their commitment to improving human rights and addressing specific issues. It is common to hear such positive responses during meetings with high-level visitors from Washington and there has been some action to improve prison conditions, combat forced labor, and address gender

based violence. However, there has been little political will to move forward with reforms perceived to be difficult or controversial by the GOJ. Most observers believe the government will not reform the electoral law in any meaningful manner and will continue to discriminate against urban (i.e. Palestinian) areas. In addition, a recent decision by the highest Jordanian court (the Court of Cessation) indicates that material published on the Internet may now be subject to the Jordanian Press and Publications law, which allows for fines of up to USD 28,000 for infractions such as the publication of material offensive to people's religious feelings or beliefs. Only when the king and government believe that the U.S. Congress and U.S. administration are serious about certain reforms will they take notice and attempt some level of reform. Continued engagement by senior U.S. officials, such as A/S Posner, will keep the pressure on the Jordanians and indicate to them that their reform efforts are being monitored by those who also follow the considerable foreign assistance levels allocated to Jordan. End Comment.

¶15. (U) This cable was cleared by staff of Assistant Secretary Posner.
Beecroft